

REMARKS

The claims are amended to remove "characterized in that" terminology in accordance with US patent practice. Similarly, other amendments to the claims, which are readily apparent, are made to improve upon the wording and grammar of the claims. These amendments include, for example, the deletion of reference numerals and the recitation of "configured to" terminology. Applicant respectfully points out that such amendments are not made for reasons related to patentability and the full range of equivalents should remain in tact.

Referring to the outstanding non-final Office Action, claims 3-4 are objected to because of the informality noted at page 2 of the Action. Accordingly, Applicant has changed "the data message" to "a data message" to improve upon the wording of these claims. Reconsideration and withdrawal of this objection is therefore warranted.

Claims 22-24 are rejected under 35 USC Section 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection. However, in the interest of advancing the prosecution of the subject application, these claims are amended to recite a "signal recorded on a tangible medium." Accordingly, this rejection should be reconsidered and withdrawn.

Claim 1 is then rejected under 35 USC Section 112, second paragraph, as being indefinite. Applicant respectfully traverses this rejection and asserts that claim 1 is definite. However, in the interest of advancing the prosecution of the subject application, this claim is clarified to improve upon the grammar and wording. Accordingly, this rejection also should be reconsidered and withdrawn.

Lastly, claims 1-4, 6-11, 13-15 and 17-24 are rejected under 35 USC Section 103(a) as being unpatentable over US Patent Publication 2002/011176 to Roeder in view of US Patent 5,742,668 to Pepe.

The above rejection is respectfully disagreed with, and is traversed below.

Roeder discloses a system for call forwarding, which includes a telephone subsystem operable to communicate with a telephonic device. The system also includes a wireless subsystem operable to communicate with a mobile station. The mobile station is associated with the telephonic device. The system further includes a packet subsystem coupled to the telephone subsystem and the wireless subsystem. The packet subsystem is operable to instruct the telephone subsystem to forward a telephone call directed at the telephonic device to the packet subsystem after the mobile station registers with the wireless subsystem. The packet subsystem is also operable to communicate the telephone call to the wireless subsystem for delivery to the mobile station (Abstract).

In paragraph [0030] cited by the Examiner, Roeder discloses that by forwarding telephone calls to mobile station 108 when mobile station 108 registers with system 100 and unforwarding telephone 110 when mobile station 108 deregisters with system 100, system 100 reduces or eliminates the need for a subscriber to manually forward and unforward telephone 110. This also reduces or eliminates the likelihood that the subscriber using mobile station 108 will forget to activate or deactivate the call forwarding feature. In addition, the subscriber using mobile station 108 may be contacted using a single telephone number and/or extension number.

Thus, the system of Roeder automatically activates and deactivates the telephone call forwarding feature depending on whether the mobile station is registered to the network or not.

Accordingly, it is respectfully asserted that Roeder does not disclose or suggest the features alleged by the Examiner in the Office Action. For example, Roeder does not disclose or suggest that the mobile station of the user includes a control feature of a divert facility.

In Roeder, it is the network which determines whether the mobile station is registered to the network or not. According to embodiments of Applicant's invention, the above kind of system would not work because, for example, the user's wireless communication device having the first identity is a part of the divert facility by receiv-

ing and retransmitting a received message to another communication device having the second identity.

Pepe does not cure the shortcomings of Roeder and thus it is respectfully asserted that these references, whether viewed alone or in combination, do not disclose or suggest Applicant's claimed subject matter.

In particular, Pepe discloses a personal communications internetwork providing a network subscriber with the ability to remotely control the receipt and delivery of wireless and wireline electronic text messages. The network operates as an interface between wireless and wireline networks. The subscriber's message receipt and delivery options are maintained in a database which the subscriber may access by wireless or wireline communications to update the options programmed in the database (Abstract).

Pepe further discloses at column 3, lines 36-39, that a mobile service subscriber is provided the ability to remotely control the addressability, routing, accessibility, and delivery of messaging options. Column 5, lines 36-41, discloses that the mobile communications subscriber can receive email, fax, pages, and voice messages under a single phone number while using either a wireless or wireline network. The subscriber may also select the media format and serving network used to receive messages. Pepe further discloses at column 5, line 66 to column 6, line 4 that a subscriber provides the network with message routing and delivery instructions. These instructions are received by a PCI database 44 and stored in a "subscriber profile" for that subscriber. This database controls the delivery of outgoing messages and the routing of incoming messages and message notification.

Applicant respectfully submits that the addition of Roeder to the teachings of Pepe would not lease a person of ordinary skill in the art to arrive at the claimed invention because, for example, the system of Roeder is an automatic system which activates the call forwarding when the user's mobile station is not registered to the wireless communication network and the mobile station does not have the control feature of a divert facility.

According to Applicant's claim 1, the feature of Applicant's divert facility is in the first communication device and the remote control can be performed by the second communication device to which the communication is diverted, or by another device. The cited references do not disclose or suggest such recited features.

Similarly, the cited references do not disclose or suggest at least the following recited features of Applicant's remaining independent claims 8, 13, 17 and 22:

"... control feature of a divert facility, in order to route communication addressed to the communication device defined by a first identifier at least partly to a second communication device defined by a second identifier, said control feature of the divert facility being remote controllable." (Claim 8);

"... the control feature of the divert facility of the communication device defined by the first identifier (IMSI1) is arranged to be remotely controlled by means of a second communication device communicating in the data communication network." (Claim 13);

"...the program code includes a first code means configured to interpret whether a data message received by the communication device meets the criteria set for data message set to manage the control feature of the divert facility, and a second code means configured to control the control feature of the divert facility according to the said data message." (Claim 17);

"... signal recorded on a tangible medium, configured to manage a control feature of a divert facility ... and the divert facility of the communication device equipped with the first identifier (IMSI1) is arranged to be controlled by the control feature of the divert facility arranged to the communication device, wherein a set-form data message is arranged in the signal, on the basis of which the control feature of the divert facility is arranged to be remotely controlled." (Claim 22).

Accordingly, as all independent claims are believed to be patentable, the remaining dependent claims also are believed to be patentable at least in view of their dependency from an allowable independent claim.

Moreover, regarding the rejection of dependent claim 2, Applicant respectfully submits that the PDA/PCI is not analogous to the first communication device having the first identifier and the control feature of a diverse facility.

Regarding the rejection of dependent claim 4, Applicant respectfully submits that Roeder does not teach or suggest a data message that includes identifier data on the basis of which the divert facility is activated/deactivated.

As to the rejection of claim 6, Applicant respectfully submits that Pepe does not teach or suggest that the data message recited by claim 2 (i.e. on the basis of which (data message) the control feature of the divert facility is remotely controlled) is transmitted to the communication device defined by the first identifier which manages the divert facility concerning itself. Roeder teaches a subscriber's profile which defines how the email messages should be automatically routed to alternate destinations when the subscriber's wireless terminal is not activated. This is not the same as, nor does this suggest, the subject matter of Applicant's claim 6.

Regarding the rejection of claim 7, Applicant respectfully submits that Roeder does not teach or suggest in paragraph [0054] cited by the Examiner, or anywhere else in the document, that the data message is processed in a manner defined by the divert facility data message. There is nothing in Roeder, which would imply a usage of a data message in connection with the divert facility.

Thus, dependent claims 2, 4, 6, and 7 also are believed to be patentable in view of the cited art for the foregoing additional reasons.

All issues having been addressed, the subject application is believed to be in condition for immediate allowance. Accordingly, reconsideration and withdrawal of the objections and rejections is requested. A Notice of Allowance is therefore earnestly solicited.